



Australian Government
Attorney-General's Department

Submission to the Review of the National Legal Assistance Partnership 2020–2025

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1. The NLAP review

The Attorney-General's Department (the department) welcomes the opportunity to provide a written submission to the independent review of the *National Legal Assistance Partnership 2020–2025* (NLAP).

Through its focus on keeping the justice system within reach for vulnerable people who are facing disadvantage, the NLAP contributes towards the department's purpose of achieving a just and secure society through the maintenance and improvement of Australia's law, justice, security and integrity frameworks.

However, the NLAP and other legal assistance programs have broad impacts that extend beyond the Attorney-General's portfolio. Legal assistance contributes to creating and maintaining a secure society, a key wellbeing outcome in *Measuring What Matters: Australia's First Wellbeing Framework*. The Framework notes that 'fair and equal access to justice is critical if people are to have their rights, freedoms, and the ability to pursue lives which enhance their wellbeing' and lists the NLAP as a key contributing government initiative.¹

The review is an opportunity to examine the NLAP and other Commonwealth legal assistance funding arrangements, and to consider improvements that will promote efficient, sustainable, client-centric, and evidence-driven service delivery to enhance the legal, social and wellbeing outcomes of people in Australia.

Overview

The purpose of the review is to evaluate the extent to which the objective, outcomes and outputs of the NLAP have been achieved, and the extent to which the NLAP is efficient, effective and appropriate in achieving its policy intent.² The review has a particular focus on:

1. A holistic assessment of legal need and all Commonwealth legal assistance funding, including legal assistance programs outside of the NLAP
2. An evaluation of the effectiveness and challenges of service delivery
3. An evaluation of data collection, performance monitoring and reporting.

The NLAP commenced on 1 July 2020 and for the first time brought together the funding of legal aid commissions (LACs), community legal centres (CLCs) and Aboriginal and Torres Strait Islander Legal Services (ATSILS) under one agreement.

¹ Commonwealth of Australia, [Measuring What Matters: Australia's First Wellbeing Framework](#), Commonwealth of Australia, 21 July 2023, accessed on 13 October 2023, p 37.

² Commonwealth, state and territory governments, [Independent Review of the National Legal Assistance Partnership \(2020–2025\): Terms of reference](#), Attorney-General's Department website, 23 June 2023, accessed 13 October 2023.

Bringing these three sub-sectors under a National Partnership reflects the nature of legal assistance funding as a shared responsibility between the Australian Government and state and territory governments. It facilitates a holistic approach to the provision of legal assistance services and encourages all stakeholders to work together to achieve the best outcomes.

The department's key observations and suggested improvements

This submission sets out the department's experience and observations of the NLAP's operations to date, addressing the terms of reference for the review and the specific issues identified in the independent reviewer's Issues Paper.

Overall, the first three years of the NLAP have proven the critical role played by the legal assistance sector. It highlights the importance of all Australian governments continuing to work in close partnership to efficiently, effectively and appropriately deliver legal assistance over the remainder of the NLAP and beyond.

The effectiveness of the NLAP has been tested by external events, such as the COVID-19 pandemic and recent natural disasters. These events have reaffirmed the critical role played by legal assistance providers, but have also exacerbated financial and workforce pressures on the sector.

More specifically, the department has identified the following key observations and suggested improvements:

Chapter 2 – Legal need

- Appropriate and accessible legal assistance across a variety of contexts, such as in tribunals (as well as courts, as identified in the Issues Paper), is critical to ensuring system-wide access to justice.
- A more robust evidence base would better inform appropriate allocation of resources to meet evolving demand, noting that careful consideration is also required in order to maximise the value from any investment in evidence collection.
- The legal assistance sector has responded to numerous challenges over the course of the NLAP, including the impacts of external events, such as the COVID-19 pandemic and natural disasters.

Chapter 3 – Funding

- Delivering Commonwealth funding for LACs, CLCs, and ATSILS through the NLAP as a single mechanism has produced a range of benefits, including increased funding to ATSILS from state and territory governments, improved efficiency and greater collaboration.
- Further efficiencies can be gained, for example, by integrating different streams of legal assistance funding to minimise the administrative burden on providers and increase providers' flexibility to meet legal need.
- The fixed indexation mechanism in the NLAP does not adapt to changing fiscal conditions which is exacerbating workforce and service delivery challenges. Consideration could be given to

alternative approaches that would reflect changing service demand, cost increases and the need to continue strengthening workforce capabilities.

- Guiding principles for state and territory funding allocation and administration processes would maintain the principles of budget autonomy while encouraging the delivery of nationally consistent outcomes.

Chapter 4 – Service delivery

- Services delivered under the NLAP provide a range of benefits that enhance the efficiency and effectiveness of the justice system as a whole. These broader benefits are challenging to quantify, but should inform the appropriate quantum of funding for the legal assistance sector.
- Beyond assisting people to address their legal problems, legal assistance providers also undertake activities that promote best practice service delivery. This includes strategic advocacy work, participation in Collaborative Service Planning activities, and development and delivery of wrap-around service models. These activities benefit clients, governments and the community as a whole.
- Collaboration and innovation are key to improving the efficacy of legal service delivery. These should be supported in order to maximise the outcome of legal assistance funding.

Chapter 5 – Partnership

- Given the complexity of Australia’s justice system, legal assistance funding arrangements require robust governance to support a partnership-centred and collaborative approach between governments. Strong and effective governance arrangements are necessary to ensure all governments work in partnership with each other, and with the sector, in order to identify service priorities and best practice service delivery.
- Adequate resources for, and a consistent approach to, engaging with peak and advisory bodies are critical to fostering partnership.
- The expansion of data requirements under the NLAP, and the Australian Bureau of Statistics (ABS) involvement in the Schedule D unit level data project, have led to some small but material improvements in the sector’s data capability. Appropriate investment in data systems and capability and an enhanced and robust reporting framework should continue to be integral components of the sector’s data transformation agenda.

Chapter 6 – Closing the Gap

- It is vital that delivery of First Nations legal assistance is directly informed by the National Agreement on Closing the Gap, including both the four Priority Reform areas and the socioeconomic outcomes and targets.
- First Nations legal assistance organisations need to be adequately funded to be equal and effective partners with governments.

2. Legal need

Key observations and suggested improvements

- Appropriate and accessible legal assistance across a variety of contexts, such as in tribunals (as well as courts, as identified in the Issues Paper), is critical to ensuring system-wide access to justice.
- A more robust evidence base would better inform appropriate allocation of resources to meet evolving demand, noting that careful consideration is also required in order to maximise the value from any investment in evidence collection.
- The legal assistance sector has responded to numerous challenges over the course of the NLAP, including the impacts of external events, such as the COVID-19 pandemic and natural disasters.

Who receives NLAP-funded services

The purpose of the NLAP is to support the provision of legal assistance services to people facing disadvantage who are unable to afford private legal services, so that vulnerable Australians can engage effectively with the justice system to address their legal needs.

Schedule A of the NLAP, which sets out Commonwealth Priorities, provides that legal assistance services should be focussed on people experiencing financial disadvantage.³ The NLAP includes a definition of financial disadvantage,⁴ which refers to five factors that collectively go beyond a simple assessment of income and assets.

National Priority Client Groups

Schedule A also sets out National Priority Client Groups (NPCGs), noting that those groups are all subject to the overarching focus on people who are financially disadvantaged. Clause A4 notes that:

The list of national priority client groups recognises that certain cohorts of vulnerable people facing disadvantage are more likely to experience legal problems, less likely to seek assistance and/or less able to access services for a range of reasons.

Schedule A of the NLAP also provides details on the Commonwealth service priorities, broken down into general principles, national and jurisdictional emergencies, family law, civil law, criminal law, and lobbying activities.⁵

³ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule A](#), Commonwealth of Australia, 2020, clause A2.

⁴ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 98(h).

⁵ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule A](#), Commonwealth of Australia, 2020, clauses A8–A19.

The structure and content of NPCGs and Commonwealth law priorities provide guidance to the states and territories about how NLAP funding should be directed. While they largely work as intended, there is some disconnect between certain Commonwealth law priorities and priority client groups. For example, the Commonwealth civil law priorities identify migration matters as a focal point for legal assistance services,⁶ however migrants and refugees are not listed as a specific NPCG.

Consideration of the NPCGs under successor arrangements to the NLAP could address this disconnect and ensure that the NPCGs accurately capture the people most in need of legal assistance. For instance:

- **Victims of natural disasters** are not currently an NPCG. People affected by disasters can have a greater number of legal problems, experience longer-lasting legal problems, make greater use of legal assistance services, and require a more specific and trauma-informed approach to service delivery.⁷ The impact of the disaster can also limit a person's ability to resolve their legal issues.⁸ Existing NPCGs are not reflective of the unique needs of this potential priority group. Including disaster victims as NPCGs could encourage baseline Commonwealth funding to be used for the development of bespoke service models that can be scaled up and mobilised when disaster events occur.
- **Victim-survivors of sexual violence, including child sexual abuse**, are not currently an NPCG. Victim-survivors of sexual violence can experience heightened barriers to justice that are complex, interrelated, and the result of a variety of social and economic factors.⁹ Their inclusion would align with the 2022 decision by the Standing Council of Attorneys-General (known then as the Meeting of Attorneys-General) to endorse the Work Plan to Strengthen Criminal Justice Responses to Sexual Assault 2022–2027.

Appropriately targeted NPCGs are an important framework for ensuring Commonwealth legal assistance funding achieves its desired policy outcomes, while recognising state and territory autonomy regarding funding decisions.

Unmet legal need

Unresolved legal problems can have significant adverse consequences for individuals, including: financial strain, poor health, family problems, loss of housing and loss of employment. Systemically unmet legal needs can also place further strain on other sectors such as health, disability and policing.

Sufficient funding from Australian, state and territory governments is critical to ensure the greatest number of people with legal issues who cannot reasonably resolve them within their own resources can receive support.

⁶ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule A](#), Commonwealth of Australia, 2020, clause A15(g).

⁷ Victorian Law Foundation, *Public Understanding of Law Survey (PULS): Bushfire Briefing*, Victoria Law Foundation, 2023, p 1.

⁸ Victorian Law Foundation, *Public Understanding of Law Survey (PULS): Bushfire Briefing*, Victoria Law Foundation, 2023, p 1.

⁹ Attorney-General's Department, [The Meeting of Attorneys-General Work Plan on Criminal Justice Responses to Sexual Assault 2022–2027](#), Attorney-General's Department, Commonwealth of Australia, 2022, p 5.

Quantifying unmet legal need

Understanding the size and nature of unmet legal need is important to ensure that funding is appropriate and correctly targeted.

The 2012 Legal Australia-Wide Survey conducted by the Law and Justice Foundation of New South Wales remains the only nation-wide quantitative analysis of legal need. The report found that across Australia, 50% of survey respondents experienced one or more legal problems within a one-year period. Of this group, a sizeable proportion took no action to resolve their legal problems and consequently faced poor outcomes.

In 2022, each state and territory government created a Legal Assistance Strategy and Action Plan as required under the NLAP.¹⁰ These included identification of areas of comparative legal need within each jurisdiction, gaps in available information and the use of alternative data sources. Several states have also undertaken, or are in the process of undertaking, legal need surveys within their jurisdiction.

The recently-released Victoria-wide Public Understanding of Law Survey, undertaken by the Victoria Law Foundation, adds to the legal needs evidence base by collecting data on legal problems, actions taken by individuals, and the outcome. Further work is being undertaken by the Victoria Law Foundation to gain further understanding of how the survey can assist the understanding of unmet need and the role of legal assistance.

Adequately assessing legal need is important, however the design of information collection needs to be carefully considered to deliver value for money. Information collection must ensure the findings can be translated into the design of legal assistance funding arrangements, including the overall level of funding, prioritisation, resource allocation and service design.

Drivers of legal need

Population growth and ageing

Australia's growing population will result in an increased volume of legal need. Over the course of the NLAP, Australia's population is expected to grow more than 10%, from around 25.6 million in 2020 to an estimated 28.3 million in 2025.¹¹

Australia's population will continue to age over the next 40 years. The number of Australians aged 65 and over will more than double, and the number aged 85 and over will more than triple.¹² Australians are living longer, with more years in full health and more time using government-funded services. Existing infrastructure and services, including legal assistance services, will need to adapt to ensure they meet the needs of older Australians.

¹⁰ Australian, state and territory governments, National Legal Assistance Partnership 2020–2025 Schedule C, Commonwealth of Australia, 2020.

¹¹ Australia Bureau of Statistics (ABS), [Population clock and pyramid](#), ABS website, n.d., accessed 13 October 2023.

¹² Treasury, [Intergenerational Report 2023](#), Treasury, Australian Government, 2023, p viii.

Government legislation, policies and programs

Government legislation, policies and programs have downstream impacts on the justice sector and the workload of legal service providers.

Recognising and addressing these impacts improves policy outcomes. For example, amendments to the *Family Law Act 1975* (Cth) implemented changes to the cross-examination framework, and this legislative change was accompanied by the Family Violence and Cross-Examination of Parties Scheme. This Scheme can provide legal assistance for one or both self-represented parties. This provides an example of successfully addressing increased need for legal assistance in parallel with a change in legal settings. However, it also highlights the challenges of assessing the impact of such changes, as the initial funding for the Scheme was insufficient to address demand and was consequently increased in a future budget measure (discussed further in the [Funding](#) chapter below).¹³

State and territory governments are also responsible for many laws and policies that drive legal demand. This includes having responsibility for the majority of criminal law, as well as areas of civil law such as property and tenancy, licensing, traffic, children's safety and family and domestic violence. These areas represent core service delivery for ATSILS, many generalist and specialist CLCs, and a significant volume of services for LACs.

External factors

A range of external factors can also drive short- and long-term changes in legal need.

The COVID-19 pandemic had a significant impact on demand for legal assistance and the way in which legal assistance could be delivered. Temporary measures from all levels of government supported the sector to meet the challenges brought about by the pandemic. For example, the Australian Government delivered an additional \$63 million to support increased front-line service delivery and information and communication technology investment to facilitate remote services.

Natural disasters have also become a recurring challenge to be considered in the context of future legal assistance funding. Disasters can bring about a range of acute legal needs relating to insurance claims, tenancy and housing, social security and welfare, family violence, credit and debt, and employment issues.¹⁴ Resolving legal issues following a disaster often takes a significant amount of time. Associated complexities, such as trauma, also add to the resource burden of delivering services to individuals affected by a disaster.

The NLAP broadly considers disaster legal assistance,¹⁵ but it does not quarantine specific resources or address how the sector should prepare for disasters or respond in the aftermath of a disaster.

¹³ R Cornall AO and K-A Luscombe, [Review of the Ban on Direct Cross-Examination Under the Family Law Act 1975](#), report to the Attorney-General, R Cornall AO and K-A Luscombe, 2021, recommendation 5.

¹⁴ F Hipkin, 'After the Aftermath: Legal Assistance for Communities Impact by Disasters', *Precedent*, July/August 2021, p 5.

¹⁵ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule A](#), Commonwealth of Australia, 2020, clause A12.

Successor legal assistance funding arrangements could help the sector build preparedness and resilience for future events. Models such as the Disaster Response Legal Service in New South Wales and Disaster Legal Help Victoria demonstrate that establishing a scalable disaster legal assistance framework can improve the speed at which legal support can be mobilised and avoid the diversion of resources from other areas of legal assistance.

3. Funding

Key observations and suggested improvements

- Delivering Commonwealth funding for LACs, CLCs, and ATSILS through the NLAP as a single mechanism has produced a range of benefits, including increased funding to ATSILS from state and territory governments, improved efficiency and greater collaboration.
- Further efficiencies can be gained, for example, by integrating different streams of legal assistance funding to minimise the administrative burden on providers and increase providers' flexibility to meet legal need.
- The fixed indexation mechanism in the NLAP does not adapt to changing fiscal conditions which is exacerbating workforce and service delivery challenges. Consideration could be given to alternative approaches that would reflect changing service demand, cost increases and the need to continue strengthening workforce capabilities.
- Guiding principles for state and territory funding allocation and administration processes would maintain the principles of budget autonomy while encouraging the delivery of nationally consistent outcomes.

Quantum

At the establishment of the NLAP in 2020, \$2 billion was provided over its five-year span. More than \$400 million in additional funding has since been delivered through amendments to the Bilateral Schedules to the NLAP. The partnership agreement currently provides more than \$2.4 billion for legal assistance over the five years, with \$526.5 million provided in 2023–24.

The Australian Government also provides legal assistance funding through other programs outside of the NLAP. Over the same five-year period, this funding will total at least \$650 million, with \$150 million in 2023–24. Key programs include:

- the Family Violence Prevention Legal Services (FVPLS) Program (administered by the National Indigenous Australians Agency (NIAA))
- the Community Legal Services Program (CLSP) (administered by the department)
- the Expensive Commonwealth Criminal Cases Fund (ECCCF) (administered by the department)
- the Family Violence and Cross-Examination of Parties Scheme (administered by the department).

Indexation

The NLAP was indexed on creation, with baseline funding indexed at approximately 1.5% across the life of the agreement. In a fiscal environment of inflation currently around 6% and minimum wage

increases around 5%,¹⁶ the lack of indexation adjustments has seen funding under the NLAP fail to keep pace with the increasing cost of service delivery.

Agreements under the Federation Funding Agreements Framework are not restricted to indexation on creation, for example annual indexation has been applied in other partnership agreements.¹⁷ Using an alternative indexation mechanism may allow funding levels under a successor agreement to better reflect changing fiscal conditions.

Funding mechanism

Federation Funding Agreements Framework

The Intergovernmental Agreement on Federal Financial Relations outlines the objectives, principles, and institutional arrangements governing financial relations between the Commonwealth and the state and territory governments.¹⁸ It recognises that the states and territories have primary responsibility for many areas of service delivery, but that coordinated action is necessary to address Australia's economic and social challenges.

On 28 August 2020, the Council on Federal Financial Relations (CFFR) implemented new governance arrangements for Commonwealth-state funding agreements, known as the Federation Funding Agreements (FFA) Framework. The new FFA architecture consolidated all existing federal funding agreements, which included the NLAP, into two forms of agreements: National Agreements and sectoral FFAs. Sectoral FFAs consolidated all existing National Partnership Agreements and Project Agreements as schedules. The NLAP is now a schedule to the Sectoral FFA – *Affordable Housing, Community Services and Other*.¹⁹

The FFA Framework includes eight FFA Principles, which were developed by the CFFR and outline how agreements should be constructed and negotiated. The following three FFA Principles are particularly relevant to achieving the outcomes of the NLAP and successor funding arrangements:

- **Principle 3: Balance government priorities** – New agreements will recognise and balance the priorities of all levels of government.
- **Principle 4: Support budget autonomy and greater flexibility** – New agreements will provide states with budget autonomy and flexibility, where practical, to deliver services and infrastructure in a way that they consider will most effectively and efficiently improve outcomes for Australians.

¹⁶ Reserve Bank of Australia, [‘Inflation’](#), *Statement on Monetary Policy – August 2023*, Reserve Bank of Australia website, August 2023, accessed 16 October 2023.

¹⁷ See, for example: Australian, state and territory governments, [National Housing and Homelessness Agreement](#), Commonwealth of Australia, 2018, clause 42.

¹⁸ Australian, state and territory governments, [Intergovernmental Agreement on Federal Financial Relations](#), Commonwealth of Australia, 2009.

¹⁹ Australian, state and territory governments, [Federation Funding Agreement – Affordable Housing, Community Services and Other](#), Commonwealth of Australia, 2020.

- **Principle 5: Provide funding certainty** – New agreements that fund ongoing services will provide states with funding certainty where possible.²⁰

Benefits of the NLAP as a funding mechanism

Delivering funding for LACs, CLCs and ATSILS through a single joint mechanism has achieved a number of benefits for the sector, consistent with FFA objectives and principles. These include:

- **Joint Commonwealth, state and territory involvement:** Legal assistance funding is a shared responsibility of the Commonwealth and states and territories. Ensuring engagement by both levels of government with legal need and service providers across the sector enhances consistency in approaches to policy and service delivery. The NLAP has encouraged a partnership approach to funding and engagement (see the [First Nations legal assistance](#) example below), which can be built upon in successor arrangements.
- **Cross-sector coordination and collaboration:** As outlined in the [Collaboration in service delivery](#) section below, the NLAP includes three levels of Collaborative Service Planning (CSP). In conjunction with state and territory Legal Assistance Strategies and Action Plans, this has led to sector coordination being driven at the state and territory level, with Commonwealth oversight and national consistency where beneficial. Including all four sub-sector peaks (National Legal Aid (NLA), Community Legal Centres Australia (CLCA), National Aboriginal and Torres Strait Islander Legal Services (NATSILS), and National Family Violence Prevention and Legal Services Forum (NFVPLS)) in the National Legal Assistance Advisory Group (Advisory Group) and National Collaborative Service Planning helps to ensure consistent delivery of information and Commonwealth engagement across the sector.
- **Maximised consistency of reporting requirements:** As a significant amount of additional Commonwealth funding secured since 2020 has been delivered through the NLAP, reporting requirements for the use of those funds have been as consistent as possible with baseline funding. Where specific additional data has been required, this has been as minimal as possible and remained part of the existing reporting process. This reduces the reporting burden on service providers, and states and territories. It also assists in building a more robust and useful evidence base, through a consolidated and consistent dataset on Commonwealth-funded legal assistance service delivery.
- **Value for money, for providers and governments:** Delivering Commonwealth funding through the states and territories for all providers allows that funding to be provided alongside any state funding, thereby minimising the number of grant agreements and associated administration burden on jurisdictions and providers. Under the NLAP, the Commonwealth provides additional funding to the states and territories to support their administration function.

Example of beneficial outcomes: First Nations legal assistance

These benefits have been demonstrated through the growth in shared responsibility for funding First Nations legal assistance where, despite the key drivers of demand for First Nations legal assistance

²⁰ Australian, state and territory governments, [The Federation Funding Agreements Framework](#), Federal Financial Relations website, Commonwealth of Australia, n.d., accessed on 13 October 2023.

being the responsibility of states and territories (such as policing, criminal laws, and correctional systems), the majority of ATSILS funding has historically been primarily provided by the Commonwealth.

In recent months, ATSILS have been experiencing significant workforce pressures due to resource constraints, necessitating service withdrawals and client freezes. While ATSILS continue to face these challenges, some states and territories have responded to ATSILS' calls for additional funding. There has recently been a greater level of short-term investment from the Commonwealth to assist ATSILS with ongoing workforce pressures. Additionally, both the NSW and Victorian governments have significantly uplifted funding from previous years, with the NSW Government allocating \$10.6 million to the Aboriginal Legal Service NSW in 2022–23, and the Victorian Government allocating \$12.7 million to the Victorian Aboriginal Legal Service in 2022–23. Further, the Queensland government committed \$9.3 million for ATSILS Qld for 2023–24.²¹ This is in addition to \$21 million in one-off additional funding to ATSILS by the Commonwealth in May 2023 in recognition of the rising cost of providing critical front-line services.²²

These increased levels of state contribution to ATSILS indicate the success of an NLAP-type arrangement in recognising the shared funding responsibility between the Commonwealth and states and territories. Currently this investment is short-term, to assist ATSILS with immediate recruitment and retention and to fund specific programs, including National Agreement on Closing the Gap projects.

Other Commonwealth programs

While the majority of Commonwealth legal assistance funding is delivered through the NLAP, there are a number of other administered programs that provide funds to the legal assistance sector for specific purposes.

Community Legal Services Program

The CLSP (administered by the department) provides direct grant funding from the Commonwealth for national service delivery and program support activities that complement the delivery of community legal services by the states and territories, including through the NLAP.

The CLSP has effectively supported a range of national services, delivered either by one provider nationally, or by a number of providers covering each jurisdiction between them (e.g. the Self-Representation Service in the registries of the Federal Court). To fund national services through the NLAP would require providers to have separate grant agreements with each state and territory government, or alternatively, for one state or territory to take responsibility for service delivery in other jurisdictions. For example, the Commonwealth was able to fund a national mental health training

²¹ Media Release, https://atsils.org.au/wp-content/uploads/2023/06/ATSILS_MediaRelease_StateFunding_22June2023-002.pdf, 23 June 2023. (Quoted as \$9.165 million but later clarified to be \$9.315 million.)

²² Media Release, *Additional support for Aboriginal and Torres Strait Islander Legal Services*, <https://ministers.ag.gov.au/media-centre/additional-support-aboriginal-and-torres-strait-islander-legal-services-19-05-2023#:~:text=In%20recognition%20of%20the%20demands,of%20the%20Attorney%2DGeneral's%20Department>, 19 May 2023.

program through the CLSP by directly funding Legal Aid NSW (on behalf of National Legal Aid) to develop it, which has benefited all jurisdictions. This demonstrates the benefit of the Australian Government having the capacity to directly fund national legal assistance service delivery.

The CLSP also includes funding support for CLCA and NATSILS to carry out their role as peak bodies. This funding, and the role of peak bodies more generally, is discussed in [The Role of peak and advisory bodies](#) section below.

While delivered as a separate program, the timeframe for the current CLSP Guidelines and grants has been aligned to the NLAP, maximising consistency across the legal assistance sector.

Expensive Commonwealth Criminal Cases Fund

The ECCCCF delivers specific and quarantined funding to LACs for expensive serious criminal matters under Commonwealth law that result in costs of \$40,000 or more. It also provides funding for post-sentence matters, as these matters can be stayed without legal representation.²³ The ECCCCF is an important mechanism in ensuring that baseline Commonwealth funding is not diverted away from other Commonwealth matters.

Demand under the ECCCCF can fluctuate significantly based on factors such as special law enforcement operations, prosecution practices, and other national security and criminal law settings. As such, there is value in retaining the ECCCCF as a separate Commonwealth program to directly fund expensive Commonwealth criminal law matters.

Cross-Examination of Parties Scheme

The Cross-Examination of Parties Scheme was introduced to ensure that LACs can fund discrete representation services for parties when ordered by a court under sections 102NA and 102NB of the *Family Law Act 1975* (Cth). This provision was introduced so that people who experienced family and domestic violence are not required to cross-examine, or be cross-examined by, their violent ex-partner.

While the establishment of the Scheme was informed by research on court files, use of the provision by Judges, and resulting demand on the Scheme, was initially difficult to predict. This has resulted in a number of short-term funding increases to ensure that demand can be met. In the 2022–23 Budget, an increase of \$52.4m over four years was delivered, to stabilise funding for the Scheme. A separate program, with grant agreements currently in place from 2023–2027, offers greater flexibility in the short term to respond to fluctuating demand. The factors impacting demand under the Scheme are not as changeable as those impacting the ECCCCF, though, so if demand stabilises over the course of the current grant agreements, there may be merit to future consideration of incorporating the Scheme into LAC baseline funding.

Specialist Elder Abuse Services

The Specialist Elder Abuse Services program delivers funding to some LACs and CLCs to deliver specialist elder abuse services. This includes specialist elder abuse units which comprise of lawyers, social

²³ *Dietrich v The Queen* (1992) 177 CLR 292.

workers and other specialist and support staff, who work side by side with clients to develop a case plan and respond to the individual's needs.

Older people in the health care system who are identified by health care workers and social workers as being at risk or potentially subjected to elder abuse, can access specialised legal support services through health justice partnerships.

Programs delivered by other departments

There are a number of programs across the Australian Government that deliver varying amounts of funding to the legal assistance sector. Key programs include:

- FVPLS Program (NIAA)
- National Disability Insurance Scheme (NDIS) Appeals Scheme (Department of Social Services)
- Temporary Visa Holders Experiencing Violence Pilot (Department of Social Services)
- Immigration Advice and Application Assistance Scheme (Department of Home Affairs)
- National Redress Scheme (Department of Social Services).

The NIAA, in particular, funds legal assistance programs that are supplementary to the NLAP through initiatives under the Indigenous Advancement Strategy (IAS). Besides FVPLS mentioned above, the IAS also funds the following programs:

- Custody Notification Services (CNS)
- Indigenous Women's Program
- Supplementary Legal Assistance.

In addition to purely legal assistance programs, the NIAA also funds legal service providers, particularly First Nations legal service providers, to provide a range of wrap-around services, such as:

- Through Care programs – Adult Through Care and Youth Through Care
- the family violence wrap-around support aspect of the FVPLS program
- the wellbeing aspects of the CNS program
- youth engagement, prevention and diversion programs.

Delivering additional funding

As noted in the [Drivers of legal need](#) section above, a range of drivers can impact legal need, and create new, emerging, or immediate priorities which require legal assistance resources.

When the government commits additional funding for new priorities, a delivery mechanism must be identified which best meets the purpose of the funding and maximises efficiency and speed of delivery. In determining the most appropriate delivery mechanism, key considerations include:

- **Purpose of the funding:** whether it is to supplement existing services, establish new local services, or establish a new national service.

- **Recipients of the funding:** whether it is intended for a specific sub-sector (LACs, CLCs, ATSILS or FVPLS), a specific combination of providers, or can be allocated to any provider flexibly, and whether it is for all state and territories or specifically targeted.
- **Measurement of the funding:** whether there are particular outcomes government is seeking to measure, that may require specific data collection and reporting requirements.
- **Duration of the funding:** whether the term of funding aligns with any existing arrangements, or external factors (e.g. Royal Commissions).

With these considerations in mind, there are a number of options available to deliver additional funding:

- **NLAP baseline funding** is the best option for any additional funds that supplement existing business-as-usual services for LACs, CLCs, or ATSILS, and where funding is provided ongoing, or for the life of the NLAP. For example, additional funding for LACs to support the Lighthouse Project, and property mediation services, have recently been added to the NLAP.
- **NLAP separate funding streams** are the best option for any additional funds that seek to fund particular outcomes within the scope of business-as-usual services for LACs, CLCs or ATSILS, where government seeks to identify the services delivered with those funds, and where funding is provided ongoing, or for the life of the NLAP. For example, funding streams to support vulnerable women, child sex abuse prosecutions, and coronial inquiries, have all been added to the NLAP, with minor additional reporting requirements.
- **Separate FFA Schedules** are the best option for any additional funds that require an immediate response, are for a sub-set of states and territories, or are delivered on a different timeframe to the NLAP. They can also offer greater flexibility in terms of reporting requirements, where the purpose of the funding means that the Commonwealth requires significantly more, less, or different data measurement to the full suite of NLAP National Performance Indicators. Separate FFA Schedules can cross-reference the NLAP, to minimise any additional burden as appropriate.
- **The CLSP** is the best option for any additional funds that seek to establish national services, or supplement the services delivered by a national provider whose core funding is already under the CLSP.

The introduction of bilateral Schedules in the NLAP was a significant reform from the previous National Partnership on Legal Assistance Services 2015-20 (NPA), and has delivered benefits by allowing additional funding to be delivered to some states but not all, when appropriate, and by ensuring that different state and territory approval processes don't delay payment of funds to states which sign schedules at different times.

Future arrangements

The trajectory of reform in Commonwealth legal assistance funding delivery has, over time, centralised administration of funding through a partnership with the state and territories. This has delivered a range of benefits outlined above, which can be built upon in any future arrangement.

The three partnership agreements to date have each been five-year arrangements. There may be benefit in considering a longer arrangement to allow adequate time for any reforms to be embedded and

properly assessed, and to provide a greater degree of funding certainty for the sector. This needs to be balanced with a consideration of flexibility by ensuring that any longer arrangement is sufficiently responsive to allow policy settings and funding levels to be adjusted with minimal administrative burden.

In addition to baseline funding, there are a number of quarantined funding streams under the NLAP which were either included at establishment (i.e. Family Advocacy and Support Services (FASS) and Specialist and Domestic Violence Units (DVUs)/Health Justice Partnerships (HJPs)), or introduced in subsequent years (e.g. services for vulnerable women). While there was value in establishing these as separate funding streams at introduction, integrating established and ongoing services into baseline funding would minimise the reporting and administration burden on service providers.

The review will also be considering whether all legal assistance funding for First Nations peoples should be incorporated into the successor funding arrangement. This includes ATSILS services currently funded by the NIAA, such as CNS, and funding responsibility for FVPLS.

An integrated and consolidated funding arrangement could result in efficiency savings, although consideration should be given on a case-by-case basis to recognise that there may be reasons for particular programs to remain separate to the NLAP.

Funding allocation to states and territories

There are three separate funding distribution models used to allocate baseline Commonwealth legal assistance funding between states and territories – one each for LACs, CLCs and ATSILS. The models consider differences in the relative need for services between jurisdictions, and differences in the cost of delivering comparable services between jurisdictions.

The models do not determine the overall amount of Commonwealth funding for legal assistance, or the distribution of funds between subsectors – they are used to allocate the total amount provided by government for each subsector in each state and territory.

As outlined in the Addendum to the review's Issues Paper, each model uses a consistent structure and formula, and consists of four components: operational, population, need and vulnerability, and cost factors. The need and vulnerability component, in particular, ensures that the prevalence of particular NPCGs in each jurisdiction informs the level of Commonwealth funding provided.

The models were developed in 2014 by an independent third-party consultant, John Walker Crime Trends Analysis. In developing the NLAP, the models were updated with relevant datasets, including Need for Legal Assistance Services indicators, with the assistance of the NSW Law and Justice Foundation.

Funding allocation by states and territories

Under the NLAP, state and territories have broad discretion to allocate CLC baseline funding, and many of the additional funding streams introduced post-establishment, within the parameters of Schedule A. Different states and territories have taken varying approaches, in some cases guided by their Legal Assistance Strategies and Action Plans. The Commonwealth receives reporting on funding allocations by

provider, but has limited visibility over what processes and priorities the states and territories have applied to allocate those funds.

A key issue identified through the inclusion of additional funding streams post-establishment has been the time taken to negotiate and deliver additional funds, and then for those funds to be allocated at the state and territory level. Delivery processes vary from jurisdiction to jurisdiction, including whether NLAP amendments are required to go through state or territory Cabinets for approval, the types of grant processes run to allocate funds, and the time taken to develop or amend grant agreements and pay funds to providers. To ensure timeliness of delivery, a successor arrangement could include greater accountability measures to deliver funding in a timely way. For example, performance milestones to trigger Commonwealth payments could include funds being allocated, or grant agreements with providers being signed.

While the FFA principles promote budget autonomy for states and territories, they also recognise the need to balance the priorities of both levels of government. States and territories can choose how to allocate funding within their jurisdiction. However, the variability of approaches between states and territories can create inconsistent funding outcomes for comparable providers in different jurisdictions. Consideration could be given to a set of principles to guide state and territory allocation and administration processes under a successor arrangement to maintain flexibility while delivering national consistency of outcomes.

One such principle that was introduced under the NLAP is a Commonwealth preference for five-year funding agreements, intended to maximise certainty for providers.²⁴ The department understands that this has been applied inconsistently between jurisdictions, and has not had the desired positive impact for all providers. As such, there would be benefit in considering how this principle can be strengthened under a successor arrangement.

The review should also consider whether there is ongoing value in allowing the states and territories to delegate their responsibilities for the administration of CLC funding.²⁵ This has resulted in perceived conflicts of interest, which can negatively impact collaboration between sub-sectors – a key outcome that the NLAP seeks to achieve. The Commonwealth provides dedicated funding to the states and territories under the NLAP to support administration costs, and the Commonwealth's preference as expressed in the NLAP is for all grant administration to be done by state and territory justice agencies.

Administration costs

Administration funding under the NLAP recognises the increased costs to states and territories of administering Commonwealth funding alongside state and territory legal assistance funding, noting the

²⁴ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 58.

²⁵ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clauses 27–29.

Commonwealth funding is not intended to cover all state and territory administration costs of legal assistance programs.

Where states and territories delegate their grant administration responsibilities for CLCs, the Commonwealth's expectation is that an associated proportion of the administration funding should be allocated to the administering LAC to support those responsibilities. Instead, some jurisdictions allocate a portion of CLC baseline funding to the LAC to support administration. In the department's view, this is inconsistent with the intention of the NLAP²⁶ and unnecessarily diverts funding away from front-line service delivery by CLCs.

Future arrangements would benefit from stronger accountability for all parties in the administration of the NLAP. This could include enhanced consideration of the actual cost of administering the NLAP through increased visibility of administration activities by all parties, mechanisms to ensure timely delivery as outlined above, and greater clarity on the intended uses of quarantined funding streams.

²⁶ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 56.

4. Service delivery

Key observations and suggested improvements

- Services delivered under the NLAP provide a range of benefits that enhance the efficiency and effectiveness of the justice system as a whole. These broader benefits are challenging to quantify, but should inform the appropriate quantum of funding for the legal assistance sector.
- Beyond assisting people to address their legal problems, legal assistance providers also undertake activities that promote best practice service delivery. This includes strategic advocacy work, participation in Collaborative Service Planning activities, and development and delivery of wrap-around service models. These activities benefit clients, governments and the community as a whole.
- Collaboration and innovation are key to improving the efficacy of legal service delivery. These should be supported in order to maximise the outcome of legal assistance funding.

What services the NLAP funds

The NLAP delivers funding focussed on front-line legal assistance services and the activities required under the NLAP to support those services. The NLAP places minimal limitations on providers' use of funding and encourages a collaborative service approach at sector level to determine how resources can be used to have the maximum impact.

In addition to baseline funding, which is intended to service a broad range of Commonwealth priorities as set out in the [Who receives NLAP-funded services](#) section above, the NLAP includes quarantined funding for specific service models, client groups, and law types. Some of these funding streams, in particular for FASS, DVUs and HJPs, and support for people with mental health conditions, encourage service providers to take a holistic, wrap-around approach to service delivery.

This recognises the Australian Government's view, as articulated in the National Strategic Framework for Legal Assistance, that legal assistance can be most effective when it is delivered alongside other support services to address clients' multiple and often complex needs.²⁷ Social support, financial counselling and mental health support, for example, can be important in ensuring that a client has the capacity to engage with, and address, their legal issues. Many service providers are delivering these complementary services using NLAP funding as a core part of their legal assistance model.

For CLCs and ATSILS, there is no requirement that NLAP funding be spent on particular matter types, such as matters under Commonwealth law. This is also the case for lower-intensity discrete assistance services delivered by LACs. This recognises that legal assistance is a shared responsibility of the

²⁷ Council of Attorneys-General, [National Strategic Framework for Legal Assistance – 1 July 2020 to 30 June 2025](#), Commonwealth of Australia, 2020.

Australian, state and territory governments. It also reduces the burden on providers in having to allocate high-volume, low-intensity services to particular funding streams.

The NLAP limits LACs' delivery of higher-intensity, higher-cost representation services to Commonwealth law matters.²⁸ In practice, the vast majority of these are family law representation services, and the NLAP includes exceptions to ensure that state law matters relating to safety and children that are linked to Commonwealth family law matters, can be delivered and funded together. This limitation ensures that vulnerable people with family law matters can access legal aid representation by reducing the risk that funding is diverted to criminal law matters to avoid those matters being stayed.²⁹ As noted in the [Other Commonwealth programs](#) section above, the ECCCF supports LACs with high-cost Commonwealth criminal law matters, separately to the NLAP.

Who delivers services under the NLAP

The structure of the NLAP identifies funding for mainstream and specialist services, and Aboriginal and Torres Strait Islander specific legal assistance services.

The sector is comprised of LACs (independent statutory bodies established by each state and territory), CLCs (independent, non-profit services) and Aboriginal Community-Controlled Organisations (ACCOs) in each state and territory. Each type of organisation is supported by national and state peak bodies.

Mainstream and specialist legal assistance services

Mainstream and specialist legal assistance services are provided by LACs and CLCs. LACs provide a range of services, including information, referrals, legal advice, family dispute resolution, duty lawyer services, and representation in courts and tribunals. Information and services are free of charge. However, for representation services, applicants must satisfy means and merits tests set by LACs.

CLCs provide a range of assistance on legal and related matters to people experiencing disadvantage or with special needs. CLCs complement and extend the services provided by LACs and the private profession. Generalist CLCs provide broad legal assistance to people in a particular location, while specialist CLCs provide legal services in relation to a particular area of law or to a particular group of people with special needs (for example, the Financial Rights Legal Centre, Disability Discrimination Legal Service, and women's legal services).

Aboriginal and Torres Strait Islander legal assistance services

The NLAP and National Strategic Framework for Legal Assistance refer to ACCOs as the preferred suppliers of culturally appropriate legal assistance services for First Nations peoples. The ACCOs currently providing legal assistance services are:

²⁸ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 63.

²⁹ *Dietrich v The Queen* (1992), 177 CLR 292.

- ATSILS, which currently receive NLAP funding³⁰
- FVPLS, which currently do not receive their primary funding through the NLAP.

As discussed in the [Collaboration in service delivery](#) section below, the NLAP has proved successful in facilitating cross-sector coordination and planning, although this has varied across jurisdictions. This has been particularly true of ATSILS, which have historically been funded directly by the Commonwealth with limited engagement by state and territory governments.

This collaborative approach can benefit all participants in the sector. For example, the department understands that ATSILS, CLCs and LACs are continuing to assist each other with building their organisations' cultural capabilities and ensuring services are culturally safe and responsive, and sharing training and resources.

This is particularly relevant given the high percentage of First Nations clients that are receiving services from LACs and CLCs. For the period July-December 2022, over 12% of total LAC clients of NLAP-funded services, and 9% of CLC clients, were First Nations people. Although ACCOs are the preferred primary service provider for First Nations legal assistance, First Nations people can encounter conflicts of interest or other issues that prevent them from accessing ATSILS services. For such situations, it is important that services by both ATSILS and mainstream providers are available for First Nations clients. It is also important that mainstream and specialist services are well equipped to deliver holistic and integrated services which meet the diverse needs and priorities of First Nations clients.

In considering delivery of legal assistance services for First Nations clients, any future work should consider and supplement other related policy measures, such as the work progressed through the Justice Policy Partnership (JPP). In line with Priority Reform Two, the JPP will lead the development of a Sector Strengthening Plan, aimed at strengthening and building the capacity of the Aboriginal and Torres Strait Islander community-controlled law and justice sector. This work will explore transformative actions, including building organisational governance, service delivery and co-ordinating jurisdictional sector strengthening plans.

Collaboration in service delivery

A benefit of the flexibility afforded to states and territories under the FFA framework is that the responsibility for service planning has been largely allocated to states and territories through mechanisms such as jurisdictional CSP. In practice, this means that the approach to CSP varies significantly between different jurisdictions.³¹

³⁰ Over 2020–2025, ATSILS are receiving over \$465 million in quarantined funding under the NLAP (\$440.85 million in baseline funding; \$2.184 million for the Justice Policy Partnership; \$9.3 million in funding for expensive complex cases and coronial inquiries; and \$13.5 million in coronial inquiries). The NIAA is also providing over \$70 million in funding to ATSILS under the Indigenous Advancement Strategy.

³¹ See also: Urbis, *Review of the National Partnership Agreement on Legal Assistance 2015–2020: Final Report*, report to the Australian Government, Attorney-General's Department, Urbis, 2018, p. ix.

Collaborative service planning

CSP was introduced in the NPA in 2015, following a recommendation from the Productivity Commission's *Access to Justice Arrangements* Inquiry Report. The purpose of CSP was to encourage collaboration and reduce duplication by coordinating a sector-wide approach to the planning and delivery of legal assistance services in each jurisdiction. Through CSP, providers were encouraged to reach an agreement on their respective roles in addressing the service priorities articulated by government.

How has it worked under the NLAP?

The objectives and outcomes under the NLAP ask providers and governments to collaborate to ensure integrated and client-centric services.³² Both sides have responsibility for 'sector planning and development': the Commonwealth in leading National CSP (NCSP) and providing guidance to the jurisdictions; and states and territories in leading jurisdictional and local CSP and supporting the ongoing development and capacity of their sector.

Schedule B of the NLAP describes CSP as an ongoing, iterative process that develops collaborative partnerships to deliver holistic services.³³ CSP should inform policy development, program design or service delivery, to enable better coordination of existing services in order to maximise efficiency and effectiveness and minimise system and service gaps.

Scope for improvement in implementation of CSP

Without a full evaluation of CSP, it is difficult for the department to ascertain a clear picture of current practice or establish best practice.

In the department's experience, CSP has seen varying levels of success across jurisdictions. There has been significant variability in implementation across jurisdictions, reflective of different developmental stages, sector/stakeholder participation and approaches taken to CSP. Some jurisdictions appear to be more advanced than others, creating and maintaining streamlined and collaborative processes that enables providers to identify service priorities and draw in specialist services. Similarly, while NCSP meetings have provided a useful forum for sharing best practice, there have been limited concrete outcomes from these meetings. This forum could be strengthened in future by the department to instil a sense of shared purpose between participants.

From the department's perspective, and consistent with submissions to previous reviews, dedicated financial and non-financial assistance to support and administer CSP would strengthen consistency across jurisdictions and assist to identify and address cross-border issues with other jurisdictions. In addition, focussing on the outcomes of CSP processes would encourage and support improved CSP practices. It would also enable the Commonwealth to take a stronger oversight role to facilitate cross-sector leadership through the NCSP, and assist in guiding effective CSP. CSP could also be strengthened by incorporating other major elements of holistic service delivery, including wrap-around services, early

³² Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clauses 13, 14(c) and 22(e)–(g).

³³ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025 Schedule B](#), Commonwealth of Australia, 2020, clauses B3 and B8.

intervention services and approaches to innovation. There is also scope for CSP to adopt a human-centred design approach by enabling people with legal needs to inform the design, development and delivery of legal assistance services. These improvements would better enable CSP to become a vehicle to improve service delivery, be responsive to emerging and changing legal needs and improve people's experiences of those services.

Collaboration and partnership beyond CSP

Collaboration within the legal assistance sector could be facilitated by utilising partnerships that already exist or are being developed under the National Agreement on Closing the Gap. Operating in partnership leads to better decisions. This will benefit not only First Nations clients, communities and organisations, but the legal assistance sector more broadly (see the [Closing the Gap](#) chapter below).

Under the JPP Strategic Framework, the JPP is establishing new strategic cross-sector partnerships at the Commonwealth and state and territory levels. This includes collaboration between the JPP and the other policy partnerships (on early childhood care and development; social and emotional wellbeing (mental health); housing; and Aboriginal and Torres Strait Islander languages), and across key sectors including disability, health, family violence and education.

Regional, rural and remote service delivery

Around 7 million people—or 29% of the population—live in regional, rural and remote (RRR) communities across Australia.³⁴ Service delivery in RRR areas presents a distinct but varied set of challenges. Understanding these differences is crucial when considering appropriate funding and service delivery options.³⁵

Key issues for RRR communities include:

- **Geographic isolation**, which impacts both the availability of legal assistance services (e.g. services being provided by a small number of lawyers across vast distances) and the potential impacts of poor access to justice (e.g. the absence of practical transport options magnifying the consequences of legal penalties such as licence disqualification).
- **Infrastructure deficiencies**, including limited local court facilities as well as ancillary services, including in-community interpreter and social services, emergency accommodation and local drug and alcohol rehabilitation centres, that undermine justice system outcomes for many RRR Australians.³⁶
- **Recruitment and retention of legal professionals**, which has been a longstanding issue driven by a range of factors, including the higher cost of living in RRR areas, lower remuneration, a perceived lack of professional development opportunities, lifestyle factors and even safety issues.

³⁴ ABS, [Regional Population: 2021–22 financial year](#), ABS website, 20 April 2023, accessed on 13 October 2023.

³⁵ J Giddings, B Hook and J Nielsen, 'Legal Services in Rural Communities: Issues for clients and lawyers', *Alternative Law Journal*, 2001, 26(2), pp 57–58.

³⁶ R Coverdale, 'Postcode Justice: Rural and Regional Disadvantage in the Administration of the Law', *Deakin Law Review*, 2011, 16(1), p 155.

- **Conflicts of interest** can be more challenging for solicitors and clients to manage, due to insufficient alternative local services.³⁷ This can be particularly detrimental for victim-survivors of domestic and family violence, who are more susceptible to issues related to systems abuse.³⁸

Responding to the ongoing challenges presented by service delivery to RRR areas will require a holistic approach to the complex experiences of RRR Australians. It is important to ensure funding distributions appropriately recognise the disproportionate cost and service impact of RRR communities. Policies and measures to alleviate challenges of housing and labour shortages, for example, that are specific to RRR communities should also be considered.

Benefits of services delivered under the NLAP

There are significant benefits associated with the provision of accessible legal services. These benefits can manifest beyond justice portfolios through a reduction in the demand for other publicly funded services, such as mental health and medical services. In 2022, NLA commissioned a report to examine the benefits of legal assistance.³⁹ The report concluded that for every \$1 invested in LACs, a return of \$2.25 in quantitative benefits is generated.⁴⁰ In addition to this, the report found that there are a range of ‘non-quantifiable’ positive outcomes arising from the provision of public legal assistance. These include the reduction of intergenerational disadvantage, more equitable family law outcomes, decreased levels of social isolation (particularly for vulnerable cohorts such as migrants or those living with disabilities), and an increase in economic and social participation.⁴¹

The NLAP supports the legal assistance sector to deliver these benefits, and also supports the crucial role of the sector in enhancing the efficiency and effectiveness of the justice system as a whole. This occurs not only through services that directly assist individuals with their legal matters, but also through the community legal education, early intervention and advocacy activities the sector undertakes. It is important that these broader benefits are considered in determining the appropriate quantum of funding to support the legal assistance sector.

Court efficiency

Providing individuals with legal representation, advice and alternative dispute resolution pathways improves the operational capacity and efficiency of the courts. The report commissioned by NLA found that the cost savings achieved from legal representation, dispute resolution services and duty lawyers provided by LACs equates to an annual benefit of \$176 million.⁴² As noted by the Law Council of Australia,

³⁷ Law Council of Australia, ‘Rural, Regional and Remote (RRR) Australians’, [The Justice Project](#), Law Council of Australia, August 2018, p 30.

³⁸ Systems abuse refers to the manipulation of the legal system by perpetrators of family violence, done so in order to exert control over, threaten and harass a partner (current or former).

³⁹ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023.

⁴⁰ National Legal Aid, *National Income & Expenses Tables, 2022* in PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p ii.

⁴¹ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p 15.

⁴² PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p 17.

inadequate legal assistance services ‘results in cost-shifting to courts through inefficiencies such as adjournments, unrepresented accused persons, unproductive court hearings, delay and wasted effort’.⁴³

Recognising that a significant number of individuals do not qualify for legal assistance yet cannot afford legal fees, self-representation is an unavoidable aspect of the justice system. Self-representation services and duty advice can better prepare individuals who do have the capacity to self-help to engage with the justice system in a way that reduces inefficiency in the court and is more likely to deliver a just outcome. A number of evaluations of self-representation services and duty lawyer services suggest both models are effective in diverting inappropriate matters away from courts and tribunals and resolve cases more quickly and with fewer court appearances.⁴⁴

An area for future consideration could include how funding is targeted toward matters that may help to resolve systemic issues. Legal assistance services can help to effect change across systems, as well as in individual matters, where they assist to draw attention to and resolve systemic errors and injustices.

Community legal education

Community legal education raises individuals’ awareness of their rights, teaches self-help strategies, and assists professionals in other sectors to recognise legal issues and appropriately refer clients to legal assistance services. Lack of legal awareness, including where individuals do not recognise they have a legal issue or that there is a legal remedy to their issue, is a frequent barrier to access to justice.⁴⁵ Community legal education is an important prevention and early intervention tool, encouraging people to seek help or to self-help before their issue escalates.

Early intervention and broader benefits

Legal assistance services play an important early intervention role, reducing both further harm to individuals, as well as costs to the justice system and other sectors. Unmet legal need can escalate into more serious issues, including criminal matters.⁴⁶ Further, the provision of legal assistance early in the process of certain matters, such as NDIS and migration applications, can avoid the need for further drawn-out legal processes. Early intervention can also involve settling matters through alternative pathways such as dispute resolution, and avoids the often-excessive costs of litigation.

Timely legal assistance can be critical in assisting those experiencing family and domestic violence to leave an abusive relationship safely. In 2022, the estimated cost of family and domestic violence on individuals was \$24.4 billion per annum.⁴⁷ All levels of government incur costs associated with family

⁴³ Magistrate P Spencer, ‘A View from the Bench’, p 100 in Law Council of Australia, ‘Courts and tribunals’, [The Justice Project](#), Law Council of Australia, August 2018, p 20.

⁴⁴ Productivity Commission, [Access to Justice Arrangements](#), Inquiry Report No. 72, Productivity Commission, Australian Government, 2014, p 519.

⁴⁵ Law Council of Australia, ‘People: Building legal capability and awareness’, [The Justice Project](#), Law Council of Australia, August 2018, p 27.

⁴⁶ Productivity Commission, [Access to Justice Arrangements](#), Inquiry Report No. 72, Productivity Commission, Australian Government, 2014, p 758.

⁴⁷ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p 11.

and domestic violence, including the costs of family violence services, health care services, and the justice system (including policing, prosecution and incarceration). Legal assistance has an important role in reducing this cost burden.⁴⁸

Ongoing, unresolved legal issues can result in a range of health issues, including high stress levels, anxiety and depression.⁴⁹ Individuals with ongoing legal problems experience poorer mental health, resulting in increased engagement with mental health services. Timely, accessible legal assistance that facilitates the resolution of legal problems helps to reduce the demand on mental health services.⁵⁰

Advocacy

The recent amendments to the lobbying clauses made it clear that the NLAP actively supports the sector's role in strategic advocacy and law reform activities. This recognises that the legal assistance sector is well-placed to identify systemic issues, such as unclear or unfair laws and policies. This has recently been highlighted by the Royal Commission into the Robodebt Scheme. Recommendation 12.4 of the Royal Commission's report stated that:

When it next conducts a review of the National Legal Assistance Partnership, the Commonwealth should have regard, in considering funding for legal aid commissions and community legal centres, to the importance of the public interest role played by those services as exemplified in their work during the Scheme.⁵¹

The department recognises that the identification and removal of inefficient or ineffective laws and policies can result in cost benefits to government, noting that the Productivity Commission has found that strategic advocacy and law reform can in fact reduce the demand for legal assistance services, and so be an efficient use of limited resources.⁵²

The sector would benefit from increased recognition of the benefits of their advocacy and law reform work. Successor arrangements could make clear that advocacy activities can be delivered by organisations, including peaks, through their baseline funding.

Other government priorities

Access to justice has broad impacts that extend beyond the Attorney-General's portfolio. The Law Council of Australia has emphasised that the upfront cost of services that enable access to justice should be viewed in the context of their potential to reduce costs in areas, such as health, housing, social services and child protection.⁵³

⁴⁸ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p 11 and 14.

⁴⁹ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, p 12.

⁵⁰ PwC, [The Benefits of Providing Access to Justice](#), National Legal Aid, 2023, pp 14–15.

⁵¹ C Holmes AC SC, [Royal Commission into the Robodebt Scheme](#), Commonwealth of Australia, 2023, p 378.

⁵² Productivity Commission, [Access to Justice Arrangements](#), Inquiry Report No. 72, Productivity Commission, Australian Government, 2014, p 709.

⁵³ Law Council of Australia, [The Justice Project](#), Law Council of Australia, August 2018.

As the primary Commonwealth funding source for legal assistance services, the NLAP contributes to positive outcomes in a range of other government priorities, including:

- **Implementing the National Agreement on Closing the Gap:** all Australian governments must work in genuine partnership with First Nations peoples and organisations to overcome the inequality experienced by First Nations peoples, and achieve life outcomes equal to all Australians.
- **Reducing harm caused by family and domestic violence:**⁵⁴ Schedule A of the NLAP includes people experiencing, or at risk of, family violence as a NPCG and matters involving allegations of family violence as a Commonwealth family law priority.
- **Supporting people with disability:**⁵⁵ Australia's National Disability Strategy 2021–2031 outlines several policy priorities for people with disability in the outcome area of safety, rights and justice.⁵⁶ In particular, the policy priorities include that the rights of people with disability are promoted, upheld and protected (Policy Priority 4) and that people with disability have equal access to justice (Policy Priority 5).⁵⁷ People with a disability or mental illness are a NPCG under the NLAP. Additionally, a number of legal issues that may particularly impact the lives of people with disability are Commonwealth civil law priorities, including social security law matters, human rights and anti-discrimination matters, employment matters and consumer matters.
- **Reducing child abuse and neglect:**⁵⁸ children and young people are an NPCG under the NLAP. Matters where the safety or welfare of children are at risk, as well as matters involving complex issues about the living arrangements, relationships and financial support of children, are also Commonwealth family law priorities. Additionally, the NLAP prescribes that for LACs, the representation of children in family law proceedings and family dispute resolution processes should also be a focus.

⁵⁴ See: Department of Social Services, [The National Plan to End Violence Against Women and Children 2022–2032](#), Department of Social Services, Commonwealth of Australia, 2022.

⁵⁵ See: Department of Social Services, [Australia's National Disability Strategy 2021–2031](#), Department of Social Services, Commonwealth of Australia, 2021.

⁵⁶ Department of Social Services, [Australia's National Disability Strategy 2021–2031](#), Department of Social Services, Commonwealth of Australia, 2021 pp 14–18.

⁵⁷ Department of Social Services, [Australia's National Disability Strategy 2021–2031](#), Department of Social Services, Commonwealth of Australia, 2021 pp 16–17.

⁵⁸ See: Department of Social Services, [Safe and Supported: The National Framework for Protecting Australia's Children 2021–2031](#), Department of Social Services, Commonwealth of Australia, 2021 and the *National Strategy to Prevent and Respond to Child Sexual Abuse 2021–2030*

5. Partnership

Key observations and suggested improvements

- Given the complexity of Australia's justice system, legal assistance funding arrangements require robust governance to support a partnership-centred and collaborative approach between governments. Strong and effective governance arrangements are necessary to ensure all governments work in partnership with each other, and with the sector, in order to identify service priorities and best practice service delivery.
- Adequate resources for, and a consistent approach to, engaging with peak and advisory bodies are critical to fostering partnership.
- The expansion of data requirements under the NLAP, and the ABS involvement in the Schedule D unit level data project, have led to some small but material improvements in the sector's data capability. Appropriate investment in data systems and capability and an enhanced and robust reporting framework should continue to be integral components of the sector's data transformation agenda.

Roles and responsibilities

The NLAP established governance arrangements to ensure that all parties share a common understanding of their roles and responsibilities. This facilitates the efficient delivery of, and accountability for, the NLAP's outcomes.

States and territories are primarily responsible for allocating and administering funding within their jurisdiction, providing policy and strategic guidance to their sectors, leading sector planning and development, and reporting on the delivery of outcomes and outputs under the NLAP.

The Australian Government is responsible for providing funding for the delivery of legal assistance services, facilitating information sharing with governments and the legal assistance sector, leading NCSP to build upon work being done in states and territories, and monitoring and assessing performance under the NLAP to ensure that outputs are delivered and outcomes are achieved.

Together, the Australian, state and territory governments consult with each other and the legal assistance sector to ensure the effective operation of the NLAP.

This primarily takes place through the Legal Assistance Services Inter-Governmental Committee (IGC), which is comprised of a senior official from the Australian Government Attorney-General's Department and a senior official from each state and territory agency responsible for legal assistance. Bilateral meetings also take place twice yearly between the department and officials from each state and territory.

Sector stakeholders have an explicit role in the NLAP through the Advisory Group, which supports the IGC. The NLAP also mandates annual meetings between the department, each jurisdiction and each jurisdiction's legal assistance sector.⁵⁹

Continued robust governance arrangements are necessary to ensure all governments work in partnership with each other, and with the sector.

The role of peak and advisory bodies

Peak bodies play an important intermediary role between governments and the legal assistance sector.

Funding support is currently provided to CLCA and NATSILS through the CLSP to carry out their roles as peak bodies, and provide expert advice to the Australian Government. In recent years, a number of other peak and expert bodies have also sought Commonwealth funding to support their roles.

As noted in the [Advocacy](#) section above, the Royal Commission into the Robodebt Scheme recommended that the NLAP review consider the importance of public interest role played by LACs and CLCs. Peak and expert bodies in the legal assistance sector also support this public interest role.

Opportunities exist to entrench and expand the role played by peak and advisory bodies in the legal assistance sector. For example, in the health sector the Department of Health and Aged Care's Health Peak and Advisory Bodies Program aims to build sector capacity and enable supported organisations to contribute at a systemic level to policy and program development.⁶⁰

Reporting and data strategy

Monitoring and reporting requirements are outlined in Part 4 of the NLAP. These requirements include:

- **Reporting arrangements** – there are two reporting milestones the jurisdictions must adhere to each financial year:
 - Jurisdictional Performance Report (JPR) is for the period 1 July – 31 December and is due 11 March of the following calendar year
 - Statement of Services and Funding (SOSF) is for the period 1 January – 30 June and is due 30 September of that calendar year.⁶¹
- **National performance indicators** – performance indicators are included in the JPR and SOSF reporting. These are aggregated data on the total number of clients receiving legal assistance

⁵⁹ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 79.

⁶⁰ Department of Health and Aged Care, [Health and Peak Advisory Bodies Program](#), Department of Health and Aged Care website, 3 July 2023, accessed 13 October 2023.

⁶¹ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 37.

services and the number and type of legal assistance services. Achievement of the objectives and outcomes in the NLAP are informed by reference to the national performance indicators.⁶²

The NLAP also requires that:

- the Australian Government, in collaboration with state and territory governments and the Advisory Group, produce and publish a Legal Assistance: National Services Summary, which analyses the delivery of legal assistance services and the use of government funding⁶³
- unit level data be provided in accordance with Schedule D (this is provided to the ABS)
- the Australian, state and territory governments develop an outcomes-based framework for legal assistance services for potential implementation from 1 July 2025⁶⁴
- the Commonwealth develop a National Legal Assistance Data Strategy in collaboration with the Advisory Group and IGC.⁶⁵ It outlines strategic priorities, principles, protocols and governance arrangements related to legal assistance service data.⁶⁶

The NLAP has a stronger emphasis on data and requires more reporting than under previous legal assistance funding agreements.

The more expansive data reporting, in particular the involvement of and assistance from the ABS, has led to more in-depth discussions on the use and quality of legal assistance data.

The experience has also highlighted that the data quality in general is still limited. The data capability of the sector is uneven, with many providers utilising aged systems that are incompatible with increasing data requirements. As a result, the CLC sector is at a critical junction where it needs to make a major transition from aging platforms which no longer meet the sector's needs. Similarly, some ATSIILS may also need to embark on system modernisation.

The next funding arrangement could build on the progress made under the NLAP, cementing the understanding of the importance of data across the sector. Partnering with the sector, the Australian, state and territory governments could further develop a road map towards a more effective, fit-for-purpose, outcome-oriented and future-looking data framework. The road map would need to capture various underpinning elements to guide investment and actions, such as infrastructure, reporting framework, and provider data capability. Further alignment with other government data projects to implement Priority Reform Four under the National Agreement on Closing the Gap will enhance sector data capabilities, contributing to the whole-of-government Indigenous data plan.

⁶² Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 33.

⁶³ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clauses 47 and 48.

⁶⁴ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025](#), Commonwealth of Australia, 2020, clause 30(e).

⁶⁵ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule D](#), Commonwealth of Australia, 2020, clause D10.

⁶⁶ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule D](#), Commonwealth of Australia, 2020, clause D11.

6. Closing the Gap

Key observations and suggested improvements

- It is vital that delivery of First Nations legal assistance is directly informed by the National Agreement on Closing the Gap, including both the four Priority Reform areas and the socioeconomic outcomes and targets.
- First Nations legal assistance organisations need to be adequately funded to be equal and effective partners with governments.

Government commitment to Closing the Gap

The NLAP identifies Aboriginal and Torres Strait Islander peoples as an NPCG for all service providers – not only ATSILS, but also mainstream and specialist service providers such as LACs and CLCs.⁶⁷

Particularly relevant to legal assistance are the two National Agreement on Closing the Gap justice targets:

- to reduce the rate of First Nations adults held in incarceration by at least 15% by 2031 (Target 10)
- to reduce the rate of First Nations youth (10–17 years) in detention by at least 30% by 2031 (Target 11).⁶⁸

Action by state and territory governments will be central to meeting Targets 10 and 11, as each jurisdiction administers its own criminal justice system, including policing activities, criminal laws, and bail and sentencing practices. Working closely with the states and territories, the Australian Government is driving action through mechanisms such as the JPP.

In addition to Targets 10 and 11, LACs, CLCs, ATSILS and FVPLS provide legal assistance services across family law and civil law, which contributes to Target 13: to reduce at least by 50%, as progress towards zero, the rate of all forms of family violence and abuse against Aboriginal and Torres Strait Islander women and children by 2031.⁶⁹

Despite the key drivers of demand for First Nations legal assistance being the responsibility of states and territories, the majority of ATSILS funding has traditionally been provided by the Australian Government. Over the five-year life of the NLAP, ATSILS will receive over \$440 million in baseline funding, and over \$24 million in quarantined funding for the JPP, expensive complex cases and coronial

⁶⁷ Australian, state and territory governments, [National Legal Assistance Partnership 2020–2025: Schedule A](#), Commonwealth of Australia, 2020.

⁶⁸ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, pp 32–33.

⁶⁹ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 37.

inquiries. ATSILS have consistently called on all governments for additional funding to meet demand for their services. As mentioned in the [Funding](#) chapter above, there has been a greater level of funding contribution from several state and territory governments to assist ATSILS with ongoing workforce pressures.

Objectives for future funding for First Nations legal assistance

The National Agreement on Closing the Gap recognises that when First Nations peoples have a genuine say in the design and delivery of services that affect them, better life outcomes are achieved.⁷⁰

Working in partnership

Priority Reform One refers to the importance of governments building strong partnerships and sharing decision-making with First Nations peoples.⁷¹ For legal assistance, this could include all governments working in close partnership with First Nations organisations to ensure First Nations peoples can set priorities and share decision-making. Building these enduring relationships will enable the department to advocate for support for ongoing and emerging legal needs for First Nations peoples, as identified by First Nations organisations.

The funding ATSILS and FVPLS currently receive is predominantly focussed on front-line service delivery. However, First Nations organisations also need to be adequately funded to enable them to be equal and effective partners. By doing so, they will have the resources and capability to co-design funding models with adequate flexibility and certainty. This will facilitate service delivery that is holistic, innovative, culturally appropriate, and responsive to the needs of First Nations peoples and communities.

Peak bodies such as NATSILS and NFVPLS also need to be adequately funded for the important leadership role they play for their member organisations and the valuable contributions they make to law reform and policy development. NATSILS is currently receiving over \$2.569 million over five years (2020–2025) in funding through the CLSP for its operation as the peak body supporting ATSILS.⁷² NFVPLS is receiving \$3.122 million over five years (2020–2025) from the NIAA.

Priority Reform Two refers to building the community-controlled sector.⁷³ For legal assistance, this could include strengthening the ACCO sector through sustained capacity building and investment,

⁷⁰ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 2.

⁷¹ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 5.

⁷² In addition, between 2020 and 2025 NATSILS also received: \$0.8 million in the 2021–22 financial year for their role in the Justice Policy Partnership; and in June 2023, they received \$21 million to provide additional funding to ATSILS (\$315,000 of this was allocated to NATSILS to administer this funding).

⁷³ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 8.

thereby seeking to embed self-determination into policies and programs. The successor funding arrangements to the NLAP should continue to provide a dedicated, reliable and consistent funding stream for ACCOs and also include targeted funding for sector strengthening.

A strengthened sector will have more robust governance frameworks to ensure compliance with relevant laws and guidelines, appropriately trained staff and better retention, modernised infrastructure to enhance productivity, and increased capacity to influence policy development that affects the ACCO sector (for example, by identifying strategies to address sector workforce pressures).

Priority Reform Three requires government organisations to transform the way they work with First Nations peoples and communities.⁷⁴ For legal assistance, this could include minimising the administrative burden on ACCOs by exploring reforms to grant management processes. Any future funding model which enhances the principle of self-determination must be balanced with the need for accountability mechanisms to ensure government requirements for governance and regulatory compliance will continue to be met.

Adequate investment in sector strengthening will also enhance sector data capabilities. **Priority Reform Four** refers to enabling First Nations peoples to have shared access to data and information at a regional level.⁷⁵ The department is working with the ABS to collect data on people accessing legal assistance services under Schedule D of the NLAP. This project will capture legal assistance data on Aboriginal and Torres Strait Islander people as an NPCG. The data will underpin a more comprehensive analysis of the work done by ATSILS which will support evidence-based policy development.

The successor legal assistance funding arrangements should continue these efforts and investment to build First Nations providers' organisational data capabilities.

Outcome-oriented and culturally safe service delivery

While ATSILS play a fundamental role in ensuring access to justice for First Nations peoples in criminal matters, they have increasingly provided wrap-around and non-legal services to support better longer-term outcomes for clients. Several ATSILS have reported that their Aboriginal Liaison Officer (ALO) Program ensures their clients are connected to both legal and non-legal support services, with the ALO providing cultural support, attending court with clients, and bridging gaps between the client, lawyers and services⁷⁶. FVPLS providers also embed wrap-around services in their delivery model, including through the provision of access to legal assistance, specialist services, and trauma aware and healing-informed support.

Future legal assistance funding arrangements should empower organisations to shift to outcome-oriented service delivery. For example, providing adequate funding flexibility to enable ATSILS to

⁷⁴ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 11.

⁷⁵ Australian, state and territory governments, [National Agreement on Closing the Gap](#), Commonwealth of Australia, July 2020, p 13.

⁷⁶ Tasmanian Aboriginal Legal Service, [Tasmanian Aboriginal Legal Service: 2022 Annual Report](#), Tasmanian Aboriginal Legal Service, 2022.

establish place-based service delivery models that may combine legal and social services, and providing funding certainty that better recognises the lead time to develop and implement new and successful service delivery models. This approach reflects the status of First Nations providers as being best positioned to provide holistic, integrated and culturally appropriate services responsive to the needs of First Nations peoples.

Given the overrepresentation of First Nations people in the criminal justice system, it is vital that the provision of legal assistance and support be culturally safe and responsive. Culturally safe practices will in turn enhance partnership and embed self-determination for First Nations individuals and organisations.

The JPP under its Strategic Framework is developing anti-racism and cultural capability strategies to identify pathways to improve outcomes for First Nations peoples' contact with the justice system, which will contribute towards implementing **Priority Reform Three** and ensuring justice systems work for, and not against, First Nations peoples. It is important for the entire legal assistance sector, including mainstream and specialist services, to contribute to these strategies through training, advocacy and by continually enhancing their organisational and staff cultural competency.

7. Glossary

| | |
|----------------|---|
| ABS | Australian Bureau of Statistics |
| ACCO | Aboriginal Community-Controlled Organisation |
| Advisory Group | National Legal Assistance Advisory Group |
| ALO | Aboriginal Liaison Officer |
| ATSILS | Aboriginal and Torres Strait Islander Legal Services |
| CFFR | Council on Federal Financial Relations |
| CLCA | Community Legal Centres Australia |
| CLCs | Community Legal Centres |
| CLSP | Community Legal Services Program |
| CNS | Custody Notification Service |
| CSP | Collaborative Service Planning |
| DVUs | Domestic Violence Units |
| ECCCF | Expensive Commonwealth Criminal Cases Fund |
| FASS | Family Advocacy and Support Services |
| FFA | Federation Funding Agreement |
| FVPLS | Family Violence Prevention Legal Services |
| HJPs | Health Justice Partnerships |
| IAS | Indigenous Advancement Strategy |
| IGC | Legal Assistance Services Inter-Governmental Committee |
| JPP | Justice Policy Partnership |
| JPR | Jurisdictional Performance Report |
| LACs | Legal Aid Commissions |
| NATSILS | National Aboriginal and Torres Strait Islander Legal Services |
| NDIS | National Disability Insurance Scheme |

| | |
|--------|---|
| NFVPLS | National Family Violence Prevention and Legal Services Forum |
| NIAA | National Indigenous Australians Agency |
| NLA | National Legal Aid |
| NLAP | National Legal Assistance Partnership 2020–2025 |
| NPA | National Partnership Agreement on Legal Assistance Services 2015-20 |
| NPCG | National Priority Client Group |
| PULS | Public Understanding of Law Survey |
| RRR | Regional, rural and remote |
| SOSF | Statement of Services and Funding |